

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANDREW DAVITT and KELLY  
GOLDSMITH., Individually and on Behalf  
of All Others Similarly Situated,

Plaintiffs,

v.

UBS FINANCIAL SERVICES INC.,

Defendant.

Case No. 1:24-cv-06354-GHW-GWG

**ORAL ARGUMENT REQUESTED**

**NOTICE OF DEFENDANT’S MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that upon the accompanying (i) Memorandum of Law in Support of Defendant’s Motion to Dismiss and (ii) Declaration of David L. Goldberg, dated February 7, 2024, and the exhibits thereto, defendant UBS Financial Services Inc. (“UBS”) will move this Court for an Order dismissing the complaint in this action in its entirety with prejudice for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6), and granting such other and further relief as the Court may deem just and proper, before the Honorable Gregory H. Woods, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court.

Dated: February 7, 2025  
New York, New York

Respectfully submitted,

**KATTEN MUCHIN ROSENMAN LLP**

/s/ David L. Goldberg

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